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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,889	03/15/2005	Karl J. Wood	GB 020151	5830

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EXAMINER

SAGER, MARK ALAN

ART UNIT	PAPER NUMBER
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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,889	Applicant(s) WOOD, KARL J.	
	Examiner M. Sager	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. The claims 8-12 are objected to because they include reference characters (line 1 of claim 8) which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4-5 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for charging a first amount to store game status for a predetermined time period and charging a second amount to store game status for a longer time period than the predetermined time period, does not reasonably provide enablement for 'unlimited' time period, as claimed since unlimited is infinite. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make/use the invention commensurate in scope with these claims. The originally filed claims/specification appears to include a form of invention for charging a user to store game status for an 'unlimited' or infinite time period that is an impossibility since such a defined time period does not exist due to never ending. The claim requirement to store a state for a user for an 'unlimited' time is not enabling due to duration including infinite time period that is undefined/undeterminable.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how an 'unlimited' time period as claimed is accounted since it is an undefined time period. Since conventionally infinite is an undefined duration (never ending), has Applicant determined the duration of unlimited (i.e. infinite) time period?

Claim Interpretation

6. Regarding claim interpretation, Applicant's disclosed free game play online (fig 3) includes introductory/free trial period play, free play with limited access and free play with in-game advertising; while, Applicant's charging to store game state includes storing extra content (see Comparison of MMORPGs and list of free MMORPGs as reported by Wikipedia).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1 and 4-13 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Final Fantasy XI. Cumulative information regarding Final Fantasy XI (FF XI hereafter) as shown by evidence from Wikipedia and Final Fantasy Official website, FF XI is a massively multiplayer online role-playing game (see as evidence under MPEP 2131.01 of MMORPG definition as per description of massively

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multiplayer online role-playing game by Wikipedia) that has a game program to permit a game system such as PlayStation 2, Xbox 360 or Microsoft Windows PC to play the game when connected to the Square Enix Final Fantasy XI Official website that hosts the game where the particular game system connects to the FF XI server website that includes a processor that reads the computer readable storage means (see description of FF XI as reported by Wikipedia) to carryout the steps of loading the computer program, executing the computer program, receiving instructions from a user interface to start playing the game free of charge such as during a free trial period from the Square Enix website (see Monthly service fees @ Final Fantasy XI Official Website that permits thirty day free trial period), changing the game status according to instructions and charging a user to store game status such as charging one dollar for each additional character created/stored (see Monthly service fees @ Final Fantasy XI Official Website and see Comparison of MMORPGs regarding Final Fantasy XI as reported by Wikipedia), wherein charging a user a first amount to store game status for a predetermined time period and charging a user a second amount to store game status for an unlimited time period where 'unlimited' is interpreted to be a longer duration/period than the predetermined time period wherein first amount increases over predetermined time period (free first thirty days, \$12.95 monthly subscription fee thereafter and \$1 fee each month for each added Content ID, see Monthly service fees @ Final Fantasy XI Official Website and see Comparison of MMORPGs regarding Final Fantasy XI as reported by Wikipedia), wherein charging is debiting a user's account (see Monthly service fees @ Final Fantasy XI Official web site and see Comparison of MMORPGs as reported by Wikipedia and see Final Fantasy XI Credit Cards as reported by Wikipedia), wherein user's account is credited following specific changes in the game status

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such as charging one dollar for each added character that Square Enix calls Content ID (see Monthly service fees @ Final Fantasy XI Official web site and Comparison of MMORPGs regarding Final Fantasy XI as reported by Wikipedia), wherein said system is integrated and has a distributed architecture communicating via the internet (see description of Final Fantasy XI as reported by Wikipedia), wherein charging means comprises a cash receiver (such as debiting account to receive funds/payment, supra).

Claim Rejections - 35 USC § 103

9. Claims 2-3 are rejected under 35 U.S.C. 102 (a) as anticipated by Final Fantasy XI or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Final Fantasy XI in view of Diablo. Cumulative references that describe FF XI show FF XI game includes claimed steps/features (supra), and further includes pausing the game status in response to specific instruction from user interface and changing the game status according to instructions when a player logs out from game play (see description of Final Fantasy XI as reported by Wikipedia and description of MMORPG game by Wikipedia and description of Role-playing game for Real time with pause by Wikipedia). The Office asserts that pausing play due to player logging out their character or logging off from the server is performing same function for same purpose. Alternatively, Final Fantasy XI discloses claimed method (supra) but lacks pausing the game status for a predetermined period of time in response to a specific instruction from user interface and further changing the game status according to instructions after step (f). Entering a pause or continue [un-pausing] game status by user input in a real-time game is old and well known as shown by Diablo (pg 17) for allowing user to pause play of a game at their leisure; while, description of Role playing video games by Wikipedia shows real time with pause game play.

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Thus, it would have been obvious to an artisan at a time prior to the invention to apply the process of pausing the game status according to a specific instruction from user interface and further changing the game status according to instructions after step (f) as taught by Diablo to improve the method of FF XI game for the predictable result of allowing user to pause and continue [un-pause] play of a game. The combination of FF XI in view of Diablo and real-time with pause discussed by Wikipedia provides same structure performing same function.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over FF XI in view of Sato (4858930) and/or Lennon (5078399). Alternatively, where cash receiver requires currency acceptor (bill, coin or token), the cumulative references that describe FF XI show FF XI game includes claimed steps/features, but lacks a cash receiver as a currency acceptor for accepting bill or coin or token. Pay to play game machine that accepts currency are old and conventional such as taught by Sato and Lennon. Thus, it would have been obvious for an artisan at a time prior to the invention to apply the process of a cash receiver as taught by Sato or Lennon to improve the method of FF XI for the predictable result of paying to play via bill/coin/token input such as an arcade machine.

Response to Arguments

11. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Comparison of massively multiplayer online games and the list of free massively multiplayer online games each reported by Wikipedia details games that permit free

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play such as Anarchy Online, Dark Space and Dofus with limited access or with advertisements.

Free Trial as redirected to Shareware as described by Wikipedia permits a user limited use or access to use for a limited duration.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Sager/

Primary Examiner, Art Unit 3714